

**Arizona Department of Environmental Quality UST Program
Release Reporting & Corrective Action Guidance**

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SECTION 8: LUST CASE CLOSURE

8.1 INTRODUCTION

A person performing corrective actions shall provide a written request for LUST case closure in accordance with A.A.C. R18-12-263.03, and include a corrective action completion report which is described below.

8.2 CASE CLOSURE ELIGIBILITY

A LUST case is eligible for closure if all of the following conditions exist:

- The site investigation requirements and remedial response requirements have been met in accordance with R18-12-262 and R18-12-263, respectively.
- Corrective actions, and if applicable, remedial actions have been performed in accordance with R18-12-263.01 and R18-12-263.02, and verify that the corrective action standard is met for each COC in each contaminated medium in accordance with R18-12-263.03(B) and (C) [refer to Section 8.3 for further information].
- A corrective action completion report is submitted that includes the information described in Section 8.4.

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8.3 REMEDIATION VERIFICATION

Soil

The method of soil remediation verification shall verify that residual contaminant concentrations are at or below the corrective action standard for each COC in the contaminated soil [A.A.C. R18-12-263.03(B)]. The selected methodology must consider:

- Site-specific geologic conditions.
- The full extent of soil contamination as documented in the SCR submitted to the department.
- The remediation methodology implemented at the site.

Water

If water quality was threatened or impacted, the person performing corrective actions must determine the method of water quality verification monitoring. The water quality verification monitoring shall verify that contaminant concentrations will remain at or below the corrective action standard for each chemical of concern in the contaminated groundwater and surface water. In accordance with A.A.C. R18-12-263.03(C), the selected methodology shall consider:

- Site-specific hydrologic conditions.
- The full extent of water contamination as documented in the SCR submitted to the department.
- The existence and location of known receptors that are impacted or potentially impacted by the release.

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8.4 CORRECTIVE ACTION COMPLETION REPORT

Corrective action completion report contents are prescribed under A.A.C. R18-12-263.03(D). The corrective action completion report shall include all of the following information, except information which is identical to information previously submitted to the department. This previously submitted information is not required to be resubmitted **if** the name, date, and pages of any previous report containing this required information are provided. The required information includes all of the following:

- Description of the vertical and lateral extent of contamination.
- Statement of the corrective action standard for each chemical of concern for each medium of concern and the evaluation form for each tier evaluation.
- List of remediation technologies used to achieve the standard.
- Results of a post-remediation LUST site investigation, consistent with the site investigation requirements, that verifies that the corrective action standard is met for each chemical of concern in each medium of concern. A post-remediation LUST site investigation is not required if the site investigation demonstrates the corrective action standard has already been met for each chemical of concern in each medium of concern.
- A site plan. All sample collection locations must be shown for both the site investigation described and the LUST case closure verification.
- Verification that ADWR permitted monitor wells, recovery wells, or vapor extraction wells that are abandoned prior to submission of the LUST case closure request, have been abandoned as required under A.A.C. R12-15-816; and that recovery or vapor extraction wells not having ADWR permits have been abandoned in a manner that ensures that the well will not provide a pathway for contaminant migration. At the discretion of the owner or operator, documentation of remediation equipment decommissioning may be included if completed prior to submittal of corrective action completion report.
- Documentation of compliance with the requirements for the storage, treatment, or disposal of any derived waste.
- Documentation that any institutional or engineering controls are implemented, and that the legal mechanisms, *i.e.*, the terms of the DEUR, are in place to ensure that the institutional or engineering controls will be maintained.
- The current LUST site classification.
- Any additional information the person performing corrective actions or the department determines may be necessary to verify that the LUST case is eligible for closure.

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8.5 APPROVAL OF LUST CASE CLOSURE

The department shall inform the person performing corrective actions that a corrective action completion report is approved if it meets the requirements of A.R.S. § 49-1005 and A.A.C. R18-12-263.03, and contains all of the required information identified in Sections 8.3 through 8.4. Alternatively, the department may determine that it has enough information to make an informed decision whether to approve the corrective action completion report.

The department will notify the person performing corrective actions in writing of one of the following decisions pursuant to A.A.C. R18-12-263.03(F):

- If the department determines that the case closure conditions are satisfied, then the department will approve the corrective completion report, close the LUST case, and notify the person performing corrective actions. The notification must include any conditions upon which the approval is based and an explanation of the process for resolving disagreements over the decision under A.R.S. § 49-1091; or
- If the department determines that the case closure conditions are not satisfied, then the department will deny the report and notify the person performing corrective actions. The notification must include an explanation of the rationale for not approving the corrective completion report and an explanation of the process for resolving disagreements over the decision under A.R.S. § 49-1091.

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8.6 FUTURE CHANGES TO LUST CASE CLOSURE STATUS

The department reserves the right to reopen a closed site if new information becomes available that indicates that changes in the conditions, under which LUST case closure was approved, may result in a potential impact to public health and welfare or the environment. The following are examples of such changes.

Change in foreseeable or most beneficial use of water

If the department is notified of a change in the foreseeable or most beneficial use of water documented in the determination of a corrective action standard for water under a Tier 2 or Tier 3 evaluation, the department will reopen the LUST case file and require an owner or operator to perform additional activities necessary to meet the corrective action requirements.

Subsequent discovery of contamination

If evidence of previously undocumented contamination is discovered at or emanating from the LUST site, the department will reopen the LUST case file and require an owner or operator to perform additional activities necessary to meet the corrective action requirements.

The department is working toward the development of a policy for defining the procedures and information to be evaluated when considering the reopening of a closed LUST case. This policy will be completed subsequent to the completion of this guidance document, and will be incorporated in the subsequent guidance revision.